

Invention - 1

OGC REVIEW COMPLETED

10 June 1954

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MEMORANDUM FOR: Assistant to the Director, [REDACTED]

SUBJECT : Correspondence on [REDACTED]

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1. It is probable that the language used by Mr. Dulles in a letter to [REDACTED] is libelous per se, as it definitely imputes want of veracity. Whether it gives rise to any special damages would be highly questionable under the circumstances and cannot really be determined at this time. However, we assume that the statements made have been carefully checked and can be proven to be true. In that case there is complete defense to the publication if the true statements are privileged and made in good faith. It appears to us that there is at least a qualified privilege in this case and the qualifications are met by the fact that the communication was made in good faith without malice and reasonable grounds for believing it to be true. In our opinion the Director has a public duty in reference to this communication and it is made to one who has a corresponding interest in the matter. Under these circumstances there would appear to be no suit of libel even if the words are actually libelous.

2. We are not experts in the libel law and have had no opportunity to perform exhaustive research, but I am reasonably sure the privilege exists in this case and would be a valid defense in the event [REDACTED] were to sue the communication and bring an action based thereon.

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*/s/*LAWRENCE R. HOUSTON
General CounselOGC:LRH:jeb
cc: OGC chrono
subject